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COMMENTS OF
THE INDUSTRIAL TELECOMMUNICATIONS ASSOCIATION

WT DOCKET 97-150

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

Commission Opens Inquiry on)	WT Docket No. 97-150
Competitive Bidding Process for)	
Report to Congress)	

Comments of the Industrial Telecommunications Association, Inc.

1. The Industrial Telecommunications Association, Inc. ("ITA"), hereby submits these comments in response to the above captioned public notice.¹ ITA is a Commission certified frequency advisory committee and coordinates in excess of 6,000 applications per year on behalf of applicants seeking Commission authority to operate radio stations on frequency assignments allocated between 30-900 MHZ.

2. ITA enjoys the support of a membership that includes more than 6,000 licensed two-way land mobile radio communications users and the following trade associations:

Alliance of Motion Picture and Television Producers
Aeronautical Radio, Inc.
Associated Builders & Contractors, Inc.
Florida Citrus Processors Association
Florida Fruit & Vegetable Association
National Mining Congress
National Propane Gas Association
National Ready-Mixed Concrete Association
National Utility Contractors Association
New England Fuel Institute
United States Telephone Association

3. As a representative of private internal radio service users, ITA's membership has been

¹ Public Notice, *Commission Opens Inquiry on Competitive Bidding Process for Report to Congress*, FCC 97-232, WT Docket No. 97-150 (July 2, 1997).

excluded by Congress from the Commission's auction procedures. However, ITA is concerned that a growing number of Commission decisions that relate to auctions will have a negative impact on ITA's members, and the private wireless industry in general. Accordingly, ITA is pleased to have the opportunity to provide these brief comments that it urges the Commission to include in its report to Congress.

4. First, ITA is concerned that in its desire to find revenue raising auctionable spectrum, the Commission is disregarding its obligations under Section 309(j)(6)(E) of the Communications Act which requires the Commission to use engineering solutions, negotiation, service regulations and other means to avoid mutual exclusivity.² Private wireless licensees, when licensed on a site-by-site basis, and properly coordinated by the various certified frequency advisory committees rarely generate mutually exclusive applications. However the Commission, in an attempt to avoid speculation in license applications and at the same time raise revenue for the Federal treasury, has aggressively moved to impose geographic licensing on virtually all services, including those that occupy the same bands as internal radio systems. In doing so, the Commission is creating mutual exclusivity among internal radio service licensees where it otherwise would not exist. In its attempt to avoid speculation on license applications, the Commission is conducting its own kind of speculation: that the same licensing regime imposed on commercial services will work for private internal systems. ITA believes that imposing geographic licensing on spectrum to be used for private licensees is in direct contradiction to the Commission's Section 309(j)(6)(E) obligations, and urges the Commission to take advantage of the ability of its certified frequency advisory committees to avoid mutual exclusivity in the future.

² See 47 U.S.C. § 309(j)(6)(E).

5. Second, ITA recommends that Congress and the Commission expressly limit the implementation of application freezes imposed on services in anticipation of auction, to those services that operate on bands that are used exclusively for commercial services. As in the case of the 800 MHZ SMR application freeze, applications for internal licensees in the General Category pool were frozen even though at the time, the Commission had expressly stated that these bands were not to be auctioned. An administrative application freeze can last almost indefinitely, and severely restrict the ability of incumbent licensees to serve the public by making necessary modifications and expansions to their systems.

6. Finally, ITA urges the Commission and Congress to revisit the needs of the private wireless industry. The private and industrial wireless services provide crucial support to America's infrastructure, enhance productivity, and supports the economy of the entire country. In the current auction driven spectrum allocation and management environment, the spectrum needs of the private wireless industry must not be overlooked.

Respectfully Submitted,

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